

Senate File 135 - Enrolled

Senate File 135

AN ACT

RELATING TO REGISTERED INTERIOR DESIGN AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 544C.1, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. *"Building equipment"* means any mechanical plumbing, electrical, or structural components, including a conveyance, designed for or located in a building or structure.

NEW SUBSECTION. 2A. *"Conveyance"* means an elevator, dumbwaiter, vertical reciprocating conveyor, escalator, or other motorized vertical transportation system.

NEW SUBSECTION. 2B. *"Direct supervision and responsible charge"* means a registered interior designer's personal supervisory control of work of which the registered interior designer has detailed professional knowledge. In respect to preparing interior technical submissions, *"direct supervision and responsible charge"* means that the registered interior designer has the exercising, directing, guiding, and restraining power over the preparation of the interior technical submission, and exercises professional judgment in all matters embodied in the interior technical submission. *"Direct supervision and responsible charge"* does not mean reviewing the interior technical submission prepared by another person unless the reviewer actually exercises supervision and control and is in responsible charge of the interior technical

submission.

NEW SUBSECTION. 2C. *“Interior alteration or construction project”* means a project for an interior space or area within a proposed or existing building or structure, including construction, modification, renovation, rehabilitation, or historic preservation, that involves changing or altering any of the following:

- a. The design function or layout of rooms.
- b. The state of permanent fixtures or equipment.

NEW SUBSECTION. 3A. *“Interior nonstructural element”* means an interior design element that does not require structural bracing and that is not load-bearing according to adopted code.

NEW SUBSECTION. 3B. *“Interior technical submission”* means a design, drawing, specification, study, or other technical report or calculation that establishes the scope of an interior alteration or construction project including a description of standards.

Sec. 2. Section 544C.1, subsection 3, Code 2023, is amended to read as follows:

3. a. ~~“Interior design”~~ “Registered interior design” means the design of interior spaces as a part of an interior alteration or construction project including the preparation of documents interior technical submissions relating to space planning, finish materials, furnishings, fixtures, and equipment, and the preparation of documents relating to interior construction that does not affect the ~~mechanical or structural~~ engineered systems of a building. ~~“Interior design” does not include services that constitute the practice of architecture or the practice of professional engineering.~~ “Registered interior design” includes all of the following:

(1) Programming, planning, pre-design analysis, and conceptual design of interior nonstructural elements, including but not limited to the selection of materials, furniture, fixtures, and equipment, but not building equipment.

(2) Alteration or construction of interior nonstructural elements and any interior technical submissions related to such alteration or construction.

(3) Preparation of a physical plan of space within a proposed or existing building or structure including all of the

following:

- (a) Determinations of circulation systems or patterns.
- (b) Determinations of the location of exit requirements based on occupancy loads.
- (c) Assessment and analysis of interior safety factors to comply with building codes related to interior nonstructural elements.
- (4) Application of building codes, fire codes, and accessibility standards, including but not limited to the federal Americans with Disabilities Act of 1990, as applicable to interior technical submissions for interior nonstructural elements.
- (5) Rendering of designs, plans, drawings, specifications, contract documents, or other interior technical submissions and administration of interior nonstructural element construction and contracts relating to nonstructural elements in interior alteration or construction of a proposed or existing building or structure.

b. "Registered interior design" does not include any of the following:

- (1) Services that constitute the practice of professional engineering or professional architecture, except as otherwise provided in this chapter.
- (2) The making of changes or additions to any of the following:
  - (a) The structural system of a building, including changing the building's live or dead load on the structural system.
  - (b) The building envelope, including exterior walls, exterior wall coverings, exterior wall openings, exterior windows and doors, architectural trim, balconies and similar projections, bay and oriel windows, roof assemblies and rooftop structures, and glass and glazing for exterior use in both vertical and sloped applications in buildings and structures.
  - (c) The mechanical, plumbing, heating, air conditioning, ventilation, electrical, vertical transportation, fire sprinkler, or fire alarm systems.
  - (d) Means of egress systems, except for the exit access component.
  - (e) Construction that materially affects life safety

systems pertaining to fire safety of structural elements or the fire protection of structural elements, smoke evacuation and compartmentalization systems, or fire-rated vertical shafts in multi-story structures.

(f) Changes of building use to occupancies not already allowed by the current building.

(g) The construction classification of the building or structure according to the international building code.

Sec. 3. Section 544C.2, subsection 1, Code 2023, is amended to read as follows:

1. An interior design examining board is established within the bureau. The board consists of seven members: five members who are interior designers who are registered under this chapter and who have been in the active practice of registered interior design for not less than five years, the last two of which shall have been in Iowa; and two members who are not registered under [this chapter](#) and who shall represent the general public. Members shall be appointed by the governor subject to confirmation by the senate.

Sec. 4. Section 544C.5, subsection 2, paragraphs a, b, and c, Code 2023, are amended to read as follows:

a. Four years of interior design education plus two years of full-time work experience in registered interior design.

b. Three years of interior design education plus three years of full-time work experience in registered interior design.

c. Two years of interior design education plus four years of full-time work experience in registered interior design.

Sec. 5. Section 544C.12, Code 2023, is amended by adding the following new subsections:

NEW SUBSECTION. 4. A person engaged in an activity traditionally performed by an interior designer, including a professional service limited to the planning, design, and implementation of kitchen and bathroom spaces or the specification of products for kitchen and bathroom areas, in a noncommercial setting.

NEW SUBSECTION. 5. A person not registered under this chapter acting under the instruction, control, or supervision of a registered interior designer, or a person executing the plans of a registered interior designer, provided that

such a person shall not be in charge of interior technical submissions.

**Sec. 6. NEW SECTION. 544C.14 Registered interior designers — stamp and seal.**

1. A registered interior designer shall have a seal with which to identify all interior technical submissions issued by the registered interior designer for use in this state. The seal shall be of a design, content, and size prescribed by the board. A registered interior designer shall only sign and seal an interior technical submission within the scope of registered interior design.

2. Interior technical submissions prepared by a registered interior designer, or under a registered interior designer's direct supervision and responsible charge, shall be stamped with the impression of the registered interior designer's seal. A registered interior designer shall not impress the registered interior designer's seal on an interior technical submission if the registered interior designer was not the author of the interior technical submission or if interior technical submission was not prepared under the registered interior designer's direct supervision and responsible charge.

3. A registered interior designer may sign and seal an interior technical submission covering the scope of the registered interior design and shall have the authority to submit such interior technical submission to a state or local governmental entity for the purpose of obtaining any requisite permit for an interior alteration or construction project.

4. The placement of the registered interior designer's signature and seal shall indicate the document or part thereof for which the seal applies. The seal and date may be affixed electronically. The registered interior designer may provide, at the sole discretion of the registered interior designer, an original signature in the handwriting of the registered interior designer, a scanned copy of the document bearing an original signature, or a computer-generated signature.

5. A registered interior designer shall not affix, or permit to be affixed, the registration number, seal, or signature of the registered interior designer to any interior technical submission that the registered interior designer is not

competent to perform.

6. A registered interior designer shall not sign and seal an interior technical submission that was not prepared by the registered interior designer or under the direct supervision and responsible charge of the registered interior designer.

Sec. 7. NEW SECTION. **544C.15 Registered interior designer stamp and seal — conflicts of interest — penalties.**

1. A person shall not intentionally do any of the following:

*a.* Affix the signature or seal of a registered interior designer to any interior technical submission without the permission of the registered interior designer.

*b.* Use or attempt to use the interior design registration or seal of another except as provided in section 544C.14.

*c.* Impersonate a registered interior designer.

*d.* Obtain or attempt to obtain registration from the board by fraud.

*e.* Make any willfully false oath or affirmation to the board.

*f.* As a registered interior designer, accept compensation from a client in connection with a registered interior design project, except as payment for the provision of registered interior design services, which would reasonably appear to compromise the registered interior designer's professional judgment in serving the best interests of the client or public.

2. A person who intentionally violates a provision of subsection 1 is guilty of a simple misdemeanor.

3. A registered interior designer shall avoid conflicts of interest.

*a.* If an unavoidable conflict of interests arises, a registered interior designer shall do all of the following:

(1) Immediately inform the client or employer of all circumstances that may interfere with or impair the obligation of the registered interior designer to provide professional services.

(2) Notify the client or employer and withdraw from employment at any time when it is not possible to faithfully discharge the responsibilities and duties owed to the client or employer.

*b.* If an unavoidable conflict of interest arises, a

registered interior designer shall not do any of the following:

(1) Agree to perform professional registered interior design services for a client or employer if the registered interior designer has a significant financial or other interest that would impair or interfere with the responsibility of the registered interior designer to faithfully discharge professional interior design services on behalf of the client or employer.

(2) Accept payment from any party other than a client or employer for a particular project and not have any direct or indirect financial interest in a service or phase of a service to be provided as part of a project unless the client or employer approves of the conflict.

(3) Solicit or accept anything of value from material or equipment suppliers in return for specifying or endorsing a product.

(4) Violate the confidences of a client or employer except as otherwise required by law.

(5) Perform services for a client or employer while a full-time employee of another employer without notifying all parties concerned.

4. This section shall not limit the professional responsibility of a registered interior designer to an owner of a project when the registered interior designer is employed by a person under contract to engage in interior design practice for that project.

**Sec. 8. NEW SECTION. 544C.16 Submission of interior technical submissions.**

1. A registered interior designer may sign and seal an interior technical submission that is required for an interior alteration or construction project and that shall be kept as a public record.

2. If a political subdivision of the state requires a seal or stamp on an interior technical submission that is submitted for an interior alteration or construction project, the political subdivision shall accept an interior technical submission impressed with the seal or stamp of a registered interior designer consistent with the provisions of section 544C.14.

Sec. 9. REPEAL. Section 544C.13, Code 2023, is repealed.

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AMY SINCLAIR

President of the Senate

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PAT GRASSLEY

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 135, Ninetieth General Assembly.

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W. CHARLES SMITHSON

Secretary of the Senate

Approved \_\_\_\_\_, 2023

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KIM REYNOLDS

Governor